



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



493296

OCT 18 2007

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

SE-5J/OPRS-SPCC
W80901

Mr. Scott DeGroate
President
DeGroate Petroleum Service, Inc.
441 DeGroate Road
New Lenox, IL 60451

Dear Mr. DeGroate:

After review of the Spill Prevention, Control and Countermeasure (SPCC) Plan (certified by Mr. Greg Zumbaugh, P.E., and dated May 27, 2007), it has been determined that your SPCC Plan does not meet the minimum requirements of Title 40, Part 112 of the Code of Federal Regulations ("40 C.F.R. Part 112") at this time. The deficiencies of your facility's plan are listed in the Attachment A to this letter.

Pursuant to Section 311(b) of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1321(b), violations of the SPCC regulation, contained at 40 C.F.R. Part 112, subject owners and operators of a facility to administrative civil penalties of up to \$11,000 per day (up to a maximum of \$157,500) or judicial civil penalties of up to \$32,500 per day. The actual penalty assessed will depend upon several factors including ability to pay.

DeGroate Petroleum Service, Inc. must take prompt action to correct the violations and come into compliance with the SPCC regulation. U.S. EPA requests, pursuant to Sections 311(m) and 308(a) of the Clean Water Act, 33 U.S.C. §§ 1321(m) and 1318(a), that you provide written responses to Attachment A **within thirty (30) calendar days** from the date of receipt of this letter.

These materials must be sent to:

U.S. Environmental Protection Agency
Emergency Response Branch (SE-5J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
Attn: Dr. Shitien Yang, SPCC Inspector Grantee

All materials submitted must be accompanied by a certification that all materials and all statements submitted by your facility are true and accurate to the best of the signatory's knowledge and belief. This certification must

be notarized and signed by an authorized official of your facility. The SPCC plan and all subsequent amendments must be reviewed and certified by a registered Professional Engineer who is familiar with the facility and with 40 C.F.R. Part 112. The engineer's name, registration number, State of registration, date of certification and seal must be included as part of the Plan.

Please note that revisions to the SPCC regulation were published in the Federal Register on July 17, 2002. U.S. EPA further amended the regulation to extend the date for compliance with the requirements of Part 112.3 of the regulations to allow facility owners sufficient time to undertake the actions necessary to prepare and update their plans. The compliance date for both Plan amendment and implementation has been extended to July 1, 2009. Facilities that start operations between August 16, 2002 and July 1, 2009 must prepare and implement an SPCC Plan by July 1, 2009.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 35. The U.S. EPA has the authority to use the information requested herein in an administrative, civil or criminal action.

If U.S. EPA does not receive an adequate and timely response from your facility, it will be required to review its enforcement options. If you have any questions, please feel free to contact Dr. Shitien Yang, SPCC Inspector Grantee, at (312) 886-0850.

Sincerely,



for Jason El-Zein, Acting Chief
Emergency Response Branch #1

Attachments: Attachment A

cc: Illinois Environmental Protection Agency

ATTACHMENT A

VIOLATIONS OF THE SPCC REGULATION IDENTIFIED DURING INSPECTION / PLAN REVIEW

- **Inadequate SPCC Plan (40 C.F.R. 112.7 & 112.8):** Submit a revised SPCC Plan which appropriately and adequately addresses the identified deficiencies. If unable to provide an adequate SPCC Plan within 30 days, then submit a **detailed schedule** which indicates when the SPCC Plan will be revised and when implementation of the revised plan will be completed. Within the time frame set forth in that schedule, your facility must submit the revised SPCC Plan and implementation information.

THE SPECIFIC DEFICIENCIES WHICH MUST BE ADDRESSED ARE AS FOLLOWS:

40 C.F.R. Part 112.7 - General requirements for Spill Prevention, Control and Countermeasure Plans

(g) Security (excluding oil production facilities)

- (g) (1) Failure to fully fence each facility handling, storing, and processing oil.

Failure to lock entrance gate or guard the facility when not in production or unattended.

Please either provide fencing and gate or implement other equivalent environmental protection measures.

112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities(excluding production facilities).

(c) Bulk Storage Containers

- (c) (2) Failure to provide secondary containment for the largest single container plus sufficient freeboard for precipitation.

Dike walls and floor are not "sufficiently impervious".

Sufficiently impervious secondary containment must be provided for tanks located at the southwest and northeast of the Heavy and Lube Oil Storage Building.